

REMARKS

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in claim 1, “Bn” is asserted as not defined in the claim or the specification. This ground of rejection is respectfully traversed.

Benzyl groups are well known in the art and are often abbreviated as “Bn” in the structures of compounds. For example, see Albeck, A. and Kliper, S. Inactivation of cysteine proteases by peptidyl epoxides: characterization of the alkylation sites on the enzyme and the inactivator, *Biochem. J.* (2000) 346 (71–76) (“Abbreviations: Bn, benzyl; Cbz, benzyloxycarbonyl.”), which can be found at the web site <http://www.biochemj.org/bj/346/0071/bj3460071.htm>; and the following Abstract from Rheingold, A., Zakharov, L., and Trofimenko, S., The Effect of a 3-Benzyl Group on the Coordination Chemistry of Homoscorpionate Ligands, *Inorg. Chem.*, 42 (3), 827 -833, 2003, which can be found at <http://pubs.acs.org/cgi-bin/abstract.cgi/inocaj/2003/42/i03/abs/ic0205280.html>:

New homoscorpionate ligands containing a 3-benzyl substituent, hydrotris(3-benzyl-5-methylpyrazol-1-yl)borate, $\text{Tp}^{\text{Bn,Me}}$, and hydrotris(3-**benzyl**-4-phenylpyrazol-1-yl)borate, $\text{Tp}^{\text{Bn,4Ph}}$, have been synthesized, and the dynamic behavior of a number of metal complexes was studied by NMR. Structures of the complexes $\text{Ti}[\text{Tp}^{\text{Bn,Me}}]$, 1, $\text{Ti}[\text{Tp}^{\text{Bn,4Ph}}]$, 2, $\text{Co}[\text{Tp}^{\text{Bn,Me}}][\text{Tp}^{\text{Np}}]$, 3, $\text{Mo}[\text{Tp}^{\text{Bn,Me}}](\text{CO})_2\text{NO}$, 4, $\text{Co}[\text{Tp}^{\text{Bn,4Ph}}][\text{Tp}]$, 5, and $\text{Mo}[\text{Tp}^{\text{Bn,Me}}](\text{CO})_2(\eta^3\text{-methallyl})$, 6, were determined by X-ray crystallography. In the $\text{Tp}^{\text{Bn,Me}}$ ligand, the **benzyl** group is freely rotating and provides less steric hindrance to the coordinated metal than a neopentyl group, but steric hindrance is increased in the $\text{Tp}^{\text{Bn,4Ph}}$ ligand, where the rotation of the **benzyl** substituent is restricted by the 4-phenyl substituent. (Emphasis added.)

In addition, the specification already contains adequate support for the abbreviation “Bn” as representing the benzyl group. For example, Figure 20 includes a reaction scheme for the production of compound 7.37 from compound 7.36. The reaction is described in detail on page 77 of the specification in the paragraph entitled “Grignard reaction 7.37.” As stated in the specification as filed, the reaction begins with the bromide 7.36 in dry diethylether, which is reacted with the Grignard reagent, **benzyl**magnesiumbromide. This results in the **benzyl** group of the Gignard reagent being substituted for the bromine group of 7.36, as shown in Fig. 20 wherein the only difference between 7.36 and 7.37 is the substitution of “Bn” for “Br”. This

reaction scheme is parallel to the Grignard reaction 7.28 described on pages 72 and 73, which describes the formation of compound 7.28 from the bromide 7.27 (Fig. 19). As in the Grignard reaction 7.37, the bromide 7.27 in dry diethyl ether is reacted with the Grignard reagent **phenylmagnesiumbromide**, resulting in the substitution of the **phenyl** group for the bromine group. Again, the only difference between compounds 7.27 and 7.28 as shown in Fig. 19 being a “Ph” group in place of the “Br” group.

In addition, in a telephone interview with Examiner Stockton this morning, she reported that she had reviewed the specification and found support for “Bn” as defining a benzyl group at page 65 describing the synthesis of compound KPE00001044 from compound KPE00001048, as illustrated in Fig. 18.

The specification has been amended as requested by Examiner Stockton to add the same set of constituents as was set out in claim 1 as originally filed. No new matter has been added to the application. Reconsideration and withdrawal of the Section 112 rejection is respectfully requested.

New claim 15 has been added to the application. It is identical to claim 1 except that benzyl groups have been eliminated from the claim. Claims 2-14, previously withdrawn in response to a restriction requirement have been canceled.

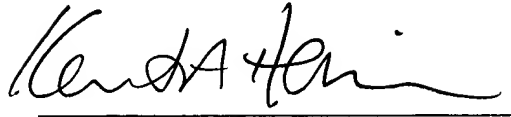
The application has been amended to correct minor informalities, to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

Based on the foregoing, Applicant respectfully submits that its claims 1 and 15, as amended, are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date: 3 May 2006

A handwritten signature in cursive script, appearing to read "Kent A. Herink", written over a horizontal line.

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